

State of Rhode Island and Providence Plantations

Public Utilities Commission

Memorandum

To: Service List in Docket No. 3438 (attached)
From: Luly E. Massaro, Commission Clerk
Re: **Docket 3438 – Certification Process of Gas Service Employees**
Date: July 10, 2002

Thank you for your participation at yesterday's pre-hearing scheduling conference. Below is the Procedural Schedule that was mutually agreed upon by the participants:

7/12/02 Filing of motion to intervene
7/23/02 Filing of responsive legal briefs
7/31/02 Filing of response to Commission's 1st set of data requests.

cc: Commissioners
Atty. Cindy Wilson
Jim Lanni
Don Ledversis

Attachments – Service List

PUC 1st set of legal issues to be briefed
PUC 1st set of data requests to New England Gas
PUC 1st set of data requests to Division
PUC 1st set of data requests to USWA Local 12431
PUC 1st set of data requests to Dept. of Labor & Training

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: CERTIFICATION PROCESS :
OF GAS SERVICE EMPLOYEES : DOCKET NO. 3438

FIRST SET OF LEGAL ISSUES TO BE DISCUSSED/BRIEFED

1. Please advise the Commission as to the status of Case No. PC2002-2329. It is unclear whether the Temporary Restraining Order was made effective for ten (10) days under RI RCP 65 or until further order of the court. Therefore, please provide the Commission with a copy of Judge Fortunato's Written Order (See page 66 of the transcript).
2. Please explain the application of R.I.G.L. §§ 28-27-28, 28-27-29 to New England Gas Company employees who terminate, restore or activate service or who test meters.
3. Please explain the interplay between R.I.G.L. §§ 28-27-28, 28-27-29 and the recently enacted R.I.G.L. § 39-2-23. Are they in conflict with one another? If a conflict does exist, which statute controls and why?
4. Please address whether or not Judge Fortunato's decision of May 15, 2002 in PC2002-2329 to require gas workers to be licensed affects the "certification" language of R.I.G.L. § 39-2-23. In other words, does Judge Fortunato's interpretation of R.I.G.L. §§ 28-27-28, 28-27-29 require the Commission to mandate New England Gas Company employees engaged in the termination, restoration or activation of gas service or to test meters to be licensed?
5. Since Judge Fortunato's decision in Case No. PC2002-2329 was made the day before R.I.G.L. § 39-2-23 was enacted, does the statute supersede the court's decision/interpretation of R.I.G.L. § 28-27-29?

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

IN RE: CERTIFICATION PROCESS :
OF GAS SERVICE EMPLOYEES : DOCKET NO. 3438

**COMMISSION'S FIRST SET OF DATA REQUESTS
TO NEW ENGLAND GAS COMPANY**

For purposes of this set of data requests only, the following definitions shall apply:

“Terminate” or “termination” shall mean the physical disconnection of gas service either inside or outside of a residence or commercial building.

“Restore” or “restoration” shall mean the physical reconnection of gas service, including the re-lighting of any necessary pilot lights.

“Activate” or “activation” shall mean the activities involved with the physical connection of gas service, including the lighting of any necessary pilot lights.

- 1-1. Please indicate the number of New England Gas Company (“NEGas”) employees who, as part of their job duties, terminate, restore or activate gas service.
- 1-2. Please identify the labor union(s) to which NEGas employees who terminate, restore or activate gas service belong.
- 1-3. Please indicate whether any NEGas employees who terminate, restore or activate gas service are not members of any labor union.
- 1-4. Please indicate whether NEGas currently has any temporary workers involved in the termination, restoration or activation of gas service. If so, please describe the training program for each of these workers in the termination, restoration or activation of gas service.
- 1-5. If the response to Data Request 1-4 was in the affirmative, are these workers classified by NEGas as employees of the company or any independent contractors.
- 1-6. Please indicate the number of NEGas employees that are required to be on site when service is being terminated, restored or activated.
- 1-7. Please indicate whether employees of NEGas who terminate, restore or activate gas service have been licensed by the Rhode Island Department of

Labor and Training (“DLT”). For this answer, please respond to the following:

- a) Please indicate how many employees of NEGas hold a DLT License.
- b) Please indicate the type of DLT license(s) held by employees of NEGas.
- c) Please indicate how many employees of NEGas obtained their license(s) prior to working for NEGas (or Providence Gas, Valley Gas or Bristol Warren Gas) and how many obtained the license while working for NEGas.
- d) Please indicate whether any of the DLT licenses have an expiration date and if so, how many of the licenses are valid.

- 1-8. Please describe the training process for employees of NEGas (or Providence Gas, Valley Gas or Bristol Warren Gas for those employees who had been employed and trained by one of the gas companies prior to September 2001) by the relevant gas company for termination, restoration or activation of gas service.
- 1-9. Please indicate whether NEGas employees are required to participate in any regularly scheduled “refresher” training in the termination, restoration or activation of gas service. If so, please describe the “refresher” training.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

IN RE: CERTIFICATION PROCESS :
OF GAS SERVICE EMPLOYEES : DOCKET NO. 3438

**COMMISSION’S FIRST SET OF DATA REQUESTS
TO THE DIVISION OF PUBLIC UTILITIES AND CARRIERS**

For purposes of this set of data requests only, the following definitions shall apply:

“Terminate” or “termination” shall mean the physical disconnection of gas service either inside or outside of a residence or commercial building.

“Restore” or “restoration” shall mean the physical reconnection of gas service, including the re-lighting of any necessary pilot lights.

“Activate” or “activation” shall mean the activities involved with the physical connection of gas service, including the lighting of any necessary pilot lights.

- 1-10. Please indicate whether the Division of Public Utilities and Carriers (“Division”) has any Rules or Regulations in effect that may be overlapped or duplicated by the requirements of R.I.G.L. § 39-2-23.
- 1-11. Please indicate whether the Division currently provides any oversight of the training process for New England Gas Company (“NEGas”) employees regarding termination, restoration or activation of service.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

IN RE: CERTIFICATION PROCESS :
OF GAS SERVICE EMPLOYEES : DOCKET NO. 3438

COMMISSION’S FIRST SET OF DATA REQUESTS TO USWA LOCAL 12431

For purposes of this set of data requests only, the following definitions shall apply:

“Terminate” or “termination” shall mean the physical disconnection of gas service either inside or outside of a residence or commercial building.

“Restore” or “restoration” shall mean the physical reconnection of gas service, including the re-lighting of any necessary pilot lights.

“Activate” or “activation” shall mean the activities involved with the physical connection of gas service, including the lighting of any necessary pilot lights.

- 1-12. Please indicate the number of New England Gas Company (“NEGas”) employees who are members of the United Steel Workers of America, Local Union 12431 (“USWA”).
- 1-13. Please indicate the number of USWA employees of NEGas who, as part of their job duties, terminate, restore or activate gas service.
- 1-14. Please indicate the number of NEGas employees that are required to be on site when service is being terminated, restored or activated.
- 1-15. Please indicate whether USWA employees of NEGas who terminate, restore or activate gas service have been licensed by the Rhode Island Department of Labor and Training (“DLT”). For this answer, please respond to the following:
 - a) Please indicate how many USWA employees of NEGas hold a DLT License.
 - b) Please indicate the type of DLT license(s) held by USWA employees of NEGas.
 - c) Please indicate how many USWA employees of NEGas obtained their license(s) prior to working for NEGas (or Providence Gas, Valley Gas or Bristol Warren Gas) and how many obtained the license while working for NEGas.
 - d) Please indicate whether any of the DLT licenses have an expiration date and if so, how many of the licenses are valid.

- 1-16. Please describe the training process for USWA employees of NEGas (or Providence Gas, Valley Gas or Bristol Warren Gas for those employees who had been employed and trained by one of the gas companies prior to September 2001) by the relevant gas company for termination, restoration or activation of gas service.
- 1-17. Please indicate whether NEGas employees are required to participate in any regularly scheduled “refresher” training in the termination, restoration or activation of gas service. If so, please describe the “refresher” training.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

IN RE: CERTIFICATION PROCESS :
OF GAS SERVICE EMPLOYEES : DOCKET NO. 3438

**COMMISSION'S FIRST SET OF DATA REQUESTS
TO THE DEPARTMENT OF LABOR AND TRAINING**

For purposes of this set of data requests only, the following definitions shall apply:

“Terminate” or “termination” shall mean the physical disconnection of gas service either inside or outside of a residence or commercial building.

“Restore” or “restoration” shall mean the physical reconnection of gas service, including the re-lighting of any necessary pilot lights.

“Activate” or “activation” shall mean the activities involved with the physical connection of gas service, including the lighting of any necessary pilot lights.

- 1-18. Please indicate whether the Department of Labor and Training (“DLT”) has any Rules or Regulations in effect that may be overlapped or duplicated by the requirements of R.I.G.L. § 39-2-23.
- 1-19. Please indicate whether DLT currently provides any oversight of the training process for New England Gas Company (“NEGas”) employees regarding termination, restoration or activation of service.